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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/906,995	07/17/2001	Haruhiko Kinoshita	NECW 18.854	6474

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EXAMINER

GEDRICH, SARAH R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/906,995

Applicant(s)

KINOSHITA, HARUHIKO

Examiner

Sarah R. Gedrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The specification has been amended. Claim 4 has been canceled. Claims 1-3, and 5-8 have been amended.

The rejection of claims 1-3, 5, and 6 under 35 USC 112, second paragraph, has been withdrawn.

Response to Arguments

Applicant's arguments filed 10 February 2005 have been fully considered but they are not persuasive.

The Applicant argues:

- Walker et al. proposes a system to reward frequent customers utilizing a single account card held by a representative holder, but rewards are awarded for all participants joined in the single account card according to each of their corresponding shares.
 - In response to this remark, the Examiner notes that the system may allocate to "one or more account members" (Walker: Column 12, lines 35-36). The system determines the allocation based on the identification numbers and the rules associated with the account.
- The applied references do not describe a strict distinction as claimed herein regarding to whom air mileage belongs, for instance, to a passenger of an airline company or to an enterprise employing the passenger.

- In response to this argument, the Examiner notes that the system and method allows for determining to whom the mileage belongs. The customer/corporate profile database includes information on customers and the corporation for whom they work. The database includes affinity membership numbers (Gardner: paragraph 0080). These numbers could correspond to frequent-flier membership numbers. When a customer enters the number when making a reservation (Pugliese: paragraphs 0040-0041, and 0062) the system would award the mileage to the customer, if the individual's number was entered, or the company, if the company's number was entered.
- The Examiner further notes that the system and method allow for subtracting from the boarder and adding to the corporation. Walker teaches that the rewards points are appropriately credited to the proper member (Walker: Column 8, lines 34-38) by adding and subtracting (Walker: Column 11, lines 62-65). The Examiner notes that the proper member could be a parent, a child, a corporation, an individual, etc. because the system works similarly whether the member is a group of individuals, a family, or a corporation.
- The Examiner further notes that the system and method allows for selectively storing based on selection, usage details, or a combination of working data and usage details. The customer "has the option of selecting

how frequent flier miles are used" (Pugliese: paragraph 0074). The usage could be applied to a corporate account or an individual's. Walker further teaches that the points could be awarded to the appropriate member based on the rules in the database (Walker: Column 8, lines 34-38). The rules in the database could include the corporate travel policies and matching dates of travel with corporate functions, etc.

Drawings

The drawings were received on 10 February 2005. These drawings are not acceptable.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the objections indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. Patent Application Publication US 2002/0178034 (hereinafter referred to as "Gardner") in view of Pugliese, III et al. Patent Application Publication US 2001/0016825 (hereinafter referred to as "Pugliese") and in further view of Walker et al. US Patent No. 6,327,573 (hereinafter referred to as "Walker").

Gardner teaches a method and system for combining sales and usage transactions into one transaction, and eliminates the issuance of accountable and specific travel authorization. Gardner further teaches:

- Registering, in combination, corporations and personal mileage identification number in a corporation vs. individual relationship database (pertaining to claims 1, 3, and 5 - 8): a Customer/corporate profile database where traveler preference information including affinity membership numbers and corporate travel policy information is stored (Gardner: paragraph 0080).
- Asking the corporate vs. individual relationship database whether the boarder is an employee of one of the corporations using the personal mileage identification as a retrieval key (pertaining to claims 1 and 7): the profiles booking support system communicates with the corporate customer database through APIs

(Gardner: paragraph 0083). The APIs validate the user's logon and ensure s/he is entered in the database (Gardner: paragraph 0084).

- Selecting whether an entity making a reservation is a corporation registered for a corporate mileage service or an individual (pertaining to claim 2): a reservation process that includes accessing last seat availability, seat map assignments, booking "wrap up" [PNR] creation, and frequent traveler data (Gardner: paragraph 56). The process further includes specification of the traveler's desired trip information, selection of flights from viable trip options, determination of flight availability/seat assignment, and etc. Profile information at the customer and the corporate level provides facilitation at each of these stages of the booking process (Gardner: paragraph 0057).
- Comparison between working date and location of the employee and the date of reserving or using the vehicle covered by the mileage service (pertaining to claim 8): a customer/corporate database where "every booking is stored with the traveler's unique identifier, linking present and historic booking to corporation/employee" (Gardner: paragraph 0082) and allows for corporate travel reporting (Gardner: paragraph 0081).

Gardner fails to disclose:

- Transmitting the personal mileage identification number when a reservation is made using a reservation terminal (pertaining to claims 1 - 2, and 5 - 8):

Pugliese teaches a method and system for issuing an electronic authorization

and validation of airline reservations using the Internet. Pugliese further teaches making a reservation by accessing the reservation center via an ATM (Pugliese: paragraph 0040) and a reservation number for a particular flight is issued and identified with a passenger name and I.D. card number (Pugliese: paragraph 0041). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include transmitting of personal mileage identification number when a reservation is made as taught by Pugliese, in order to eliminate paper ticketing (Pugliese: paragraph 0023).

- Transmitting acceptance when a boarding process is carried out using an acceptance terminal (pertaining to claims 1 – 2 and 5 – 8): Pugliese further discloses that at the boarding gate terminal (Pugliese: paragraph 00659) an optical or magnetic reader reads the I.D. number from the boarding pass and an indication of boarding is stored in the passenger's record on the main computer (Pugliese: paragraph 0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include transmitting of personal mileage identification number when a boarding process is carried out as taught by Pugliese in order to allow an agent of the airline to validate a passenger's right to board without presenting a valid ticket (Pugliese: paragraph 0026).
- Adding boarding miles to the accumulated miles of the boarder (pertaining to claims 1 and 7): Pugliese further teaches a system that automatically updates the frequent flier record (Pugliese: paragraph 0062) that is stored on the central

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computer and accessed through an ATM (Pugliese: paragraph 0049). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gardner to include adding the accumulated miles upon boarding as taught by Pugliese in order to provide up-to-the-minute information for the passenger (Pugliese: paragraph 0024).

The combination of Gardner and Pugliese fails to disclose:

- Subtracting the miles from the accumulated miles of the boarder and adding the subtracted miles to the miles of the corporation (pertaining to claims 1 and 7):

Walker teaches a multiple party reward system utilizing a single account. Walker further teaches an account that is associated with a plurality of sub-account holders or members (Walker: Column 6, lines 3-5). The frequent users database is used to assess the rewards points and appropriately credit the points to the proper member (Walker: Column 8, lines 34-38) and update the account data by adding or subtracting rewards points (Walker: Column 11, lines 62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Gardner and Pugliese to include subtracting the miles from the accumulated miles of the boarder and adding the subtracted miles to the miles of the corporation as taught by Walker in order to allow for corporate pooling of rewards and account tracking (Walker: Column 10, lines 50-52).

- Selectively storing earned mileage based on selection, usage details, or a combination of working data and usage details (pertaining to claims 2, 5, 6, and 8): Pugliese discloses an ATM located at the gates that will allow passengers to check their messages, and frequent flier record through the database and the ability to determine the extent of the accumulated miles (Pugliese: paragraph 0065). The passenger also has the option of selecting how frequent flier miles are to be used, such as for phone calls, refreshments, and other services or activities (Pugliese: paragraph 0074). Walker discloses a transaction reward method that assesses rewards points based upon transaction parameters defined within a frequent shopper rules database (Walker: Column 4, lines 30-33). The frequent shoppers rules database is used in context with a transaction to assess the rewards points based on the transaction itself and appropriately credit those rewards points to the proper member's or account holder's account (Walker: Column 8, lines 34-38). It would have been obvious to one skilled in the art to further modify the combination of Gardner and Pugliese to include selectively storing earned mileage as taught by Walker in order to reward multiple shoppers using one account (Walker: Column 2, lines 8-10) and to take the most advantage of the frequent flier miles (Pugliese: paragraph 0075).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571) 272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRG


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